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Statement of
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United States Department of Agriculture
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Madam Chairwoman and Members of the Committee, thank you for inviting me to appear before you today to address the Food Safety and Inspection Service's (FSIS') recall procedures and outreach to small businesses. I am Dr. Kenneth Petersen, Assistant Administrator for the Office of Field Operations with the Food Safety and Inspection Service, of the U.S. Department of Agriculture (USDA).

Who We Are

FSIS is the public health regulatory agency within the USDA. We are responsible for ensuring that the Nation's commercial supply of meat, poultry, and processed egg products is safe, secure, wholesome, and accurately labeled and packaged, whether those products are domestic or imported. FSIS is charged with administering and enforcing the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, portions of the Agricultural Marketing Act, the Humane Methods of Slaughter Act, and the regulations that implement these laws. The high volume and the

high-risk nature of the products that FSIS inspects demand an in-plant inspection presence, which is not only required by law, but is necessary to protect consumers. For this reason, the agency employs over 9,500 personnel, including around 7,800 full-time in-plant and other front-line personnel protecting the public health in approximately 6,200 Federally-inspected establishments nationwide.

To accomplish its tasks, FSIS inspection program personnel perform antemortem and postmortem inspection procedures to ensure public health requirements are met. In fiscal year (FY) 2008, this included about 50 billion pounds of livestock carcasses, about 59 billion pounds of poultry carcasses, and about 4.3 billion pounds of processed egg products. At U.S. borders, they also inspected 3.3 billion pounds of imported meat and poultry products. In addition, FSIS personnel conducted millions of inspection procedures to verify that establishments met food safety and wholesomeness requirements. In 2008, FSIS personnel collected and tested about 24,000 ready to eat product and environmental samples using risk based criteria for *Listeria* and approximately 56,000 raw product samples for *E. coli* O157:H7 in ground beef and *Salmonella* in raw meat and poultry. We employ a number of other field personnel, such as laboratory technicians and investigators. The majority of our personnel are working in the field to ensure that the appropriate sanitation standards and procedures are adhered to so that a recall is not necessary. But when it is necessary, our personnel are ready to respond to protect the public health.

Protecting the Food Supply

FSIS is currently taking steps to strengthen its public health data infrastructure. As part of this, FSIS is building an unprecedented dynamic data system that will alert us to changing and emerging food safety trends by smart use of reliable data. The Public Health Information System will enable FSIS to more rapidly see trends and vulnerabilities in the food safety net. This system will allow the agency to analyze the data more quickly and identify trends or problems sooner. This will, in turn, decrease the time needed to respond to incidents.

The best asset that FSIS has is a dedicated workforce. The Agency has developed new recruitment and retention strategies to retain those employees who have a passion for food safety and public health and to attract others to join us in this mission. As a result of our efforts, Agency in-plant personnel vacancy rates are declining. At the end of FY 2008, FSIS had more in-plant inspection personnel than at any time since 2001.

FSIS is also taking new steps to tackle foodborne pathogens. For *E. coli* O157:H7, we now have more targeted routine testing, we are testing more ground beef components, we refined the testing method and we have released draft compliance guidelines for industry. We have also held several public meetings to discuss the challenges posed by *E. coli* O157:H7 and to work on solutions with industry, including small plants, consumers, and other public health partners. Those discussions have helped us begin developing directives and policies to address our new steps for the future. We are also pleased to

report that we have seen improvement in the data trends as a result of the *Salmonella* incentive and verification testing programs. Furthermore, FSIS has recently completed a microbiological baseline study of broiler carcasses and is analyzing the data on *Salmonella* and *Campylobacter* contamination from that baseline. FSIS scientists continue to stay abreast of new developments in the area of microbial food safety, and inform Agency management of potential policy implications.

Recalls

The purpose of a recall is to remove meat or poultry from commerce as quickly as possible when FSIS has reason to believe it is adulterated or misbranded. Just as we approach preventing a recall in a proactive way, FSIS is also proactive in managing recalls once they become necessary.

It should be noted that recalls are voluntary actions taken by industry at the request of the Agency. The voluntary recall is the quickest way to determine where the affected product has been distributed because companies are familiar with who their customers are and can notify them much more quickly than the Federal government could after waiting to receive such information from the company. Should a firm deny FSIS' request for a voluntary recall, the Agency has the authority to seize and detain product in commerce.

FSIS may become aware of misbranded or adulterated product in commerce in several ways. We may be alerted to a potential recall situation by the company that manufactures or distributes the product, test results from our sampling programs, observations or information gathered by

our inspection program personnel in the course of their routine duties, consumer complaints, or epidemiological or laboratory data submitted by State or local health departments, other USDA agencies, or other Federal agencies, such as the U.S. Department of Health and Human Services' Food and Drug Administration, the Centers for Disease Control and Prevention, and the Department of Defense.

In the event of a recall, when FSIS has identified the adulterated product and its source, FSIS' Recall Management Staff coordinates and convenes the recall committee, which makes recommendations for all recalls of FSIS-inspected meat and poultry products. While the company itself conducts the recall, which can and does occur 24 hours a day, seven days a week, FSIS notifies the public through a press release that is posted on FSIS' Web site along with a photo of the product when practicable. FSIS is currently able to convene a recall in a matter of hours.

The Agency also issues recall information as quickly as possible through list-serves, e-mails, and faxes sent directly to stakeholders, including Members of Congress; news media; Federal, State, and local public health partners; and constituents. We have begun translating more of the recall releases into Spanish. Individuals can also subscribe to receive automatic e-mail notification of recall updates, including press releases, directly from FSIS' Web site at www.fsis.usda.gov.

After the recall occurs, FSIS conducts effectiveness checks to ensure that consignees have received notice of the recall and are making reasonable efforts to retrieve and destroy the

recalled product or return it to the recalling firm. Upon compliance, the recalling firm is officially notified by letter that the recall is completed, and no further action is expected.

On August 18, 2008, in order to improve the effectiveness of a recall, FSIS also began to make available to the public a list of retail establishments that have likely received products subject to the recall. FSIS believes this information helps consumers lower their risk of foodborne illness by providing more information that may assist consumers in identifying recalled products.

Individuals can subscribe on the FSIS Web site to get e-mail alerts on recalls or retail distribution lists.

Outreach to Small and Very Small Plants

Recalls, though necessary in the event of adulteration or mislabeling of product, are the last weapon in FSIS' arsenal to combat foodborne illness and protect public health. Industry is responsible for the production of safe food, while FSIS continuously inspects carcasses at slaughter, and visits processing establishments at least once per shift per day. FSIS' system is preventative - it is our goal to eliminate the need for recalls altogether. One way we do this is through education and outreach. By educating producers and manufacturers of FSIS regulated product, FSIS continually seeks to minimize the risk of adulterated product, and subsequently the need for recalls at all. However, FSIS does not hesitate to fully enforce the food safety laws and regulations. This can range from issuing non-compliance records to suspending plant operations.

Some of the most important groups that FSIS works with are the small and very small plants. In accordance with Small Business Administration guidelines, small plants have 500 or fewer but

10 or more employees. Very small plants have fewer than 10 employees or annual sales of less than \$2.5 million. The businesses that fall into this category have a particular need for current and frequent food safety information because they generally lack the resources to monitor food safety developments from the Agency, academia or trade associations. The FSIS Strategic Plan, the foundation document for both the long range and day to day operations of the Agency, describes the initiative to enhance outreach to assist small and very small plants as one of the Agency's key focuses. To address the challenges that these companies face, and to further the Agency goals of minimizing the need for recalls with better business practices and full compliance with Agency regulations, FSIS has initiated additional efforts to work with small and very small plants, including another approximately 1,900 under state inspection. FSIS has received several honors for our outreach to small businesses. FSIS received all As from SBA's Office of the National Ombudsman on their Small Business Regulatory Enforcement Fairness Act (SBREFA) rating criteria, as reflected in their 2007 Report to Congress. Also in 2007, the Government Accountability Office (GAO) gave FSIS outreach programs for small and very small plants positive recognition for serving the needs of small businesses. While FSIS does not hesitate to regulate as necessary to protect the public health, it also assists small and very small operators to help them maintain and improve their food safety and food defense systems.

FSIS has implemented an action plan to deliver outreach assistance to promote food safety and food defense systems for small and very small plants. As part of that plan last year, FSIS established a new program office, the Office of Outreach, Employee Education and Training (OOEET), to provide comprehensive or one-stop assistance to owners and operators of small and very small plants to improve their food safety programs. The office provides consolidated access,

resources, and technical support for small and very small plants to assist them in producing safe and wholesome meat, poultry, and processed egg products. This new office will ensure that the small and very small plants get the same message about public health policies as does the FSIS workforce, and enhance the Agency's ongoing effort to assist small and very small plants with implementing food safety and public health regulations.

FSIS continues to hold a series of regulatory education sessions around the country to provide a walk-through of a variety of topics of interest for small businesses, including Hazard Analysis and Critical Control Point (HACCP) systems, Sanitation Performance Standards, SSOPs, combating *E. coli* O157:H7, and food defense strategies. Our most recent session took place in Alameda, California on March 6. We will continue these efforts in Dallas, Texas on March 17 and in Philadelphia, Pennsylvania on April 7. Since our first session in summer 2006, we have reached over 2,000 representatives from FSIS and industry. Also, in January 2009, FSIS began holding a series of "how to" workshops to provide practical tools and methods for proper application and compliance. These workshops are designed so that the small and very small plant operators can walk away from the workshop with a plan that they can implement immediately. The topics we are covering in these sessions include how to develop a recall plan, humane handling, sanitation, Specified Risk Material (SRM) removal, *Salmonella* control, and how to develop a food defense plan. The workshops are planned through April 2009. Because FSIS has been receiving very positive feedback from these events, additional workshops may be planned for later this year.

For small and very small operators who use the Internet, FSIS has a variety of resources available through the FSIS website. These include a Web page devoted to the full range of small and very small plants needs, podcasts, and access to educational Web seminars. It also includes access to FSIS compliance guidance that helps small and very small plants apply complex regulations to their working environment. A “What do you need to know today?” is available that is constantly updated with the latest FSIS news. The site links to commonly asked questions, and displays an order form for printed materials. Information about how to obtain a grant of inspection can be found on this page. FSIS also developed a series of audio podcasts to assist small and very small plants, available on the FSIS website. A sample of the topics include preventing developing a HACCP plan, exporting product, recalls, generic labeling, and navigating AskFSIS. AskFSIS is a new feature on the Web site designed to answer technical and policy questions regarding inspection and public health regulations 24 hours per day, seven days per week. Visitors can also ask new questions, which are reviewed and answered quickly, then categorized and posted on the agency’s Web site.

In FY 2008, FSIS sent Enforcement Investigations and Analysis Officers (EIAO) to conduct over 100 proactive visits at small and very small plants to explain to them how they can prepare for a food safety assessment and to offer resources to help improve their food safety system and continues with this outreach. Again, this is another way our Agency is preventative in its orientation – we work to assure establishments have systems in place to prevent the necessity of a recall to begin with.

Finally, as an additional mode of outreach, FSIS has begun assembling a group that will provide direct assistance to small and very small plants through a toll free number, email, and workshops. The center is expected to be fully operational by September 2009.

Conclusion

FSIS' system for achieving food safety is strong because we focus on preventing recalls at the plant level through outreach to producers and manufacturers of FSIS regulated product industry. FSIS continually seeks to minimize the risk of product becoming adulterated and in doing so, to fulfill our greatest charge – protecting public health.

FSIS will continue to provide vital guidance to all small and very small plant operators concerning emerging foodborne pathogens, HACCP, sanitation performance standards, and humane handling and inspection requirements, helping existing small and very small establishments to maintain their competitive edge, and assisting interested parties in opening safe and successful businesses. FSIS will continue to work to ensure that small and very small businesses continue to operate and, thus, continue to be the generators of innovation and growth among the industry.